

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HARRY HARPER	:	CIVIL ACTION
	:	
v.	:	
	:	
JOHN THOMAS, et al.	:	No. 07-647

ORDER

AND NOW, this 17th day of September, 2007, upon careful and independent consideration of Harry Harper's pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (docket entry #1), the defendants' response thereto (docket entries #5 and 9), and the Report and Recommendation of the Honorable L. Felipe Restrepo (docket entry #14), to which the parties have not objected, and the Court finding that Judge Restrepo correctly analyzed the exhaustion, timeliness, and due process issues that are at the core of Harper's claims, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petition for writ of habeas corpus is DENIED;
3. Harry Harper having made no substantial showing of a denial of a constitutional right, we DECLINE to issue a certificate of appealability; and
4. The Clerk shall CLOSE this civil action statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.